**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE SIDE**

**CIVIL APPLICATION (M)NO.59 OF 2006**
**IN**
**FAMILY COURT APPEAL NO.35 OF 2005**

**Uttara Milind Chavan ...Applicant**
**Vs.**
**Milind Anant Chavan ...Respondent**

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**Mr.V.V.Thorat for Applicant**
**Mr.Tanaji Mhalugade i/b./ Mr.A.V.Anturkar for Respondent**

**CORAM: R.M.S.KHANDEPARKAR &**
**SMT.ROSHAN DALVI, JJ.**
**DATED: 3RD APRIL, 2006**

**P.C.**

1. Heard the Advocate for the applicant and the respondent. Perused the application and the records in Family Court Appeal No.35 of 2005.

2. This is an application seeking leave of the Court to take abroad the children of the parties to the proceedings, i.e. to Australia during the period from April to May, 2006 for holidays.

3. It is the case of the applicant that the parties have 2 children out of their wed-lock and both the children are staying with the applicant and even during the proceedings in the Court the custody of the children was always with the applicant and the respondent had no objection for the same, nor he had asked for visiting rights in respect of the children.

It is her further case that her sister stays at Sydney in Australia and on her invitation the applicant wants to travel to Australia along with her children to spend holidays during the month of April and May, 2006, and for that purpose she has already obtained the passport. The respondent inspite of being served with the application has not filed any reply.

4. Learned Advocate appearing for the applicant made categorical statement that his instructions are that the application should not be objected to.

5. In view of the fact that there is no objection on the part of the respondent to allow the applicant to take the children to Australia for holidays and the applicant having appropriate facility to stay in Australia and to provide necessary accommodation for the children during the holidays in Australia, the application is allowed in terms of prayer clause (a) subject to the condition that the applicant shall ensure the return of the children to India and within the limits of the jurisdiction of this Court on or before 15th June, 2006.

6. The application is accordingly disposed of with the above order.

**(SMT. ROSHAN DALVI, J,)** **(R.M.S.KHANDEPARKAR,J.)**